

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.58414 of 2023**

Arising Out of PS. Case No.-32 Year-2022 Thana- MAHILA PS District- Katihar

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PREM KUMAR RAI @ DILLU RAI @ PREM LAL RAI @ PREM LAL  
RAY S/O ROUSHAN LAL RAI R/O VILLAGE- BOBRA, P.S- KADWA,  
DISTT.- KATIHAR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Md. Qumrul Hoda  
For the Opposite Party/s : Mr.Ram Anurag Singh

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR  
PANDEY**

ORAL ORDER

4      27-02-2024                      Heard the learned counsel for the petitioner and  
learned APP for the State.

2. The petitioner apprehends his arrest for the offences  
alleged under Sections 376, 341, 313 and 307/34 of the Indian  
Penal Code and Section 3/4 of POCSO Act, registered in  
connection with Mahila P.S. Case No. 32 of 2022 arising out of  
Complaint Case No. 1336/2018.

3. As per allegation, the petitioner committed rape  
upon the victim on the pretext of marriage. The petitioner, with  
the help of other co-accused persons, also tried to abort her  
pregnancy.



4. The learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The victim did not produce herself for medical examination, due to which her medical examination could not be conducted. Though she supported the allegation in her statement under Section 164 of the CrPC. Learned counsel has submitted further that the victim has solemnized her marriage with another person and she is residing in West Bengal which transpires from perusal of paragraph-6 of the case diary. Though the victim in her statement under Section 164 of the CrPC levelled allegation against the petitioner of committing rape on the pretext of marriage, but this fact has not been corroborated by the medical evidence, as she did not produce herself for medical examination.

5. Considering the above facts and circumstances, let the petitioner above-named, in the event of his arrest or surrender within four weeks from the date of communication of this order, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge, POCSO, Katihar in connection with Mahila P.S. Case No. 32 of 2022 arising out of Complaint Case No.



1336/2018, subject to the conditions as laid down under Section  
438(2) CrPC.

**(Nawneet Kumar Pandey, J)**

HR/-

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